

Hand-Delivered

FILED
CHARLOTTE, NC

DEC 14 2023

UNITED STATES DISTRICT COURT

US DISTRICT COURT
WESTERN DISTRICT OF NC

for the

District of

Division

Case No.

3:23-cv-855-FDW
(to be filled in by the Clerk's Office)Shaquontia D. Gaddy

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Charlotte Solid Waste ServicesFrank HouserKourtney Briggs

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Shaquontia D. Gaddy</u>
Street Address	<u>6232 Prosperity Church Rd</u>
City and County	<u>Charlotte Mecklenburg</u>
State and Zip Code	<u>NC 28269</u>
Telephone Number	<u>803 900 2464</u>
E-mail Address	<u>micahshae2009@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name City of Charlotte Solid Waste Services
Job or Title *(if known)* _____
Street Address 1105 Otts St
City and County Charlotte Mecklenburg
State and Zip Code NC 28205
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 2

Name Frank Houser
Job or Title *(if known)* Crew Leader
Street Address 1105 Otts St
City and County Charlotte Mecklenburg
State and Zip Code NC 28205
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 3

Name Kourtney Briggs
Job or Title *(if known)* Crew leader
Street Address 1105 Otts St
City and County Charlotte Mecklenburg
State and Zip Code NC 28205
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 4

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	City of Charlotte Solid Waste Service
Street Address	1105 Otis St
City and County	Charlotte Mecklenburg
State and Zip Code	NC 28205
Telephone Number	

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law *(specify the federal law)*:

- ☐ Relevant state law *(specify, if known)*:

- ☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

6-28-2022

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☒ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age *(year of birth)* 1980 *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.



Shaequontia Gaddy <micahshae2009@gmail.com>

Requested Information

1 message

David Anthony <dlanthony0521@gmail.com>
To: micahshae2009@gmail.com

Wed, Dec 13, 2023 at 8:45 AM

Good evening Mr. Pflager,

I appreciate your prompt response to my email. The concern comes from a perspective of a person who once was a part of management who would not do the unethical bidding of their superiors. Demotion and blatant disregard, regardless of 20+ years of faithful service, was the outcome.

I was Ms. Gaddy's Field Operations Supervisor until January of 2022. I was not aware of the hostile work environment she was experiencing until she asked me to come out to her route. During my visit with her it became clear that a lot of unwanted advances from her immediate supervisor (Frank Houser) and an interim supervisor (Kortne Briggs) was occurring. I asked her why did she allow it to go on and not report it earlier and it was made clear to me that she was scared of the retaliation that would come shortly thereafter. When asked what caused her to finally come forward, she advised that the subtle attacks on her character and work ethic had already started because she refused to be sexually intimate with Frank Houser and Kortne Briggs. After we talked for awhile, she presented me with a prepared statement that she wanted me to deliver to HR on her behalf.

After receiving the sealed statement in hand (I've never read the statement) I called Crystal Legette and went to her office to deliver it. Ms. Legette questioned me about the contents of the statement and I told her that I never read the statement and that it was already prepared when I met Ms. Gaddy on her route.. After questioning me further about how I came about the statement, she refused to read it and told me to take it to my supervisor Noble Scott. This in itself was very concerning because Noble Scott, Frank Houser, and Kortne Briggs are very close. It is a known fact that they "hang out" outside of the job (drinking and as rumor has it other illegal activities)..

After I gave the statement to Noble Scott, as directed by Crystal Legette, the whole dynamic of my interactions with my supervisor changed.. He advised me that I should have his back and that "we should be on the same page". I again advised him that I did not know nor have I read the contents of the prepared statement.

It became clear to me that Ms. Gaddy was being targeted and was being retaliated against when her supervisor (Frank Houser) and interim supervisor (Kortne Briggs) began referring to her as "stupid bitch" and they would need to "get rid" of her. When challenged by me of his audacity to refer to her in a derogatory manner, he made it clear to me that Noble Scott had his back and that my "time was short" in my position. Little did I know how true that statement was. I was subsequently made the scapegoat of a situation that did not merit the demotion that followed.

Before my demotion and removal from management, I was made to feel that my open dialogue with Ms. Gaddy was not good and would not be in my favor if continued.. This was clear on several levels of management (HR included).. I say HR because it was very clear of their disdain for her. This was confusing for me because after all I was just doing my job..

I know of one instance that the deputy director Eric Delapena left her outside a side entrance when she was struggling to gain entrance into building. She called me crying and I got another supervisor and we helped her into the building. I'm also aware that because of her injury to her leg she needed to park closer

Case 3:23-cv-00855-FDW-DCK Document 1 Filed 12/14/23 Page 5 of 8

to the building and needed access to a closer entrance. This request was denied by HR after the facilities manager inquired about the same. I witnessed Eric Delapena saying that she "puts on quite an act"..

I'm sure there is more that I'm leaving out as these events happened more than a year ago.. I will need to email you again with the additional when I can get my thoughts together.

Thank you for your time..

David Anthony, MBA

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

6-28-2022

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* Sept. 15, 2023
(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☒

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Dec 14, 2023

Signature of Plaintiff

Printed Name of Plaintiff

Shaequontia D. Gaddey
Shaequontia D. Gaddey

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____